





SPEECH

OF

HON. S. BREESE, OF ILLINOIS,

ON

THE OREGON QUESTION.

DELIVERED

IN THE SENATE OF THE UNITED STATES, MONDAY, MARCH 2, 1846.

WASHINGTON:

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THE OREGON QUESTION.

The Senate proceeded to the consideration of the Special Order, being the joint resolution of the Committee on Foreign Relations, proposing to give notice to Great Britain of the desire of the Government of the United States to annul and abrogate the treaty for the joint occupancy of the Oregon territory, and the resolutions of Messrs. HANNEGAN, CALHOUN, and CRITTENDEN, relating to the same subject.

Mr. BREESE, of Illinois, addressed the Senate as follows:

MR. PRESIDENT: It is not to be expected that any Senator rising in the present stage of this debate, can throw much additional light on the important question before us. It has been so elaborately discussed, not only in these Halls, but by the public press throughout the country, that it is now scarcely possible to invest it with a new interest, or urge topics with which the Senate and the country are not already familiar. It had excited, and justly too, throughout every part of our widely-extended Union, the most earnest attention of the whole American people. Probably, no question since we had become a nation, had aroused so strong an interest as this has, and none, probably, has been more ably debated. The nation awaits with intense anxiety the decision of Congress, and the eyes of all are now turned to the action of the Senate. The Executive has done what belonged to him in the matter; and the House of Representatives has performed its duty. It now only remains for the Senate to perform its duty, by consummating the action of both.

It is, Mr. President, in view of the great interest the State from which I come has in this question, and in obedience to an overruling sense of duty to it, that I am now prompted to address the Senate. I did not know, sir, until this morning, that the General Assembly of my State had, at its last session, adopted the resolutions just presented by my colleague, [Mr. SEMPLE,] and read by the Secretary. I was aware, sir, that two years since,

similar resolutions had been adopted and presented here; and two years since, it was my duty and my pleasure, here in my place, to respond to them, and to express the views I then entertained of the subject, and of the obligations resting upon Congress to carry out the wishes of that State, and those of other States who had conveyed here, similar expressions of the public will. These resolutions, sir, read here at this moment, but strengthen me in the determination I had formed to vote for some resolution to annul and abrogate the conventions of 1818 and 1827, and to follow it up, by pressing such other measures as should place our citizens beyond the Rocky mountains under the protection of our laws; incorporate the country into our Union; protect the emigrant on his way to its fertile plains, and pledge to all who seek them, the honor and faith of the Government that they shall be made secure in their possessions by perfect grants of land, at the earliest period within the competency of the Government to act, consistent with treaty stipulations. And I cannot but hope that my conduct in these regards will be approved by the State of Illinois, whose will and feelings and opinions I take pleasure in reflecting.

In that State, sir, there is but one opinion; nay, sir, in the entire Northwest, so far as I am informed, (and I have paid much attention to the manifestations of the public mind,) there is no difference of opinion upon it. I do not think, sir, that any party, or any respectable portion of any party, is opposed to prompt and immediate action by Congress, to terminate, what all feel and believe to be an inconvenient and injudicious relation between this and a foreign country, affecting, as it does, so disastrously, many important national interests. They are not, sir, for "wise and masterly inactivity;" whatever might have been its virtue in times past, they think the time has arrived for action, prompt and decided; and in this, sir, I concur with them most heartily; and with the favor of the Senate, I will give some reasons, briefly as I may, for their and my opinions.

I do not intend, Mr. President, to enter upon a discussion of the relative merits of the various propositions now on your table, by which the first object is sought to be attained. I will not contrast or compare them, or attempt to point out the difference between them; suffice it to say, that my preference is for that form which shall in the most direct manner effect the object desired. Nor will I discuss the important propositions contained in the resolutions of the Senator of Indiana, [Mr. HANNEGAN,] or the substitute for them presented by the Senator of South Carolina, [Mr. CALHOUN,] believing, as I do, that it is unnecessary, at this time, to express an opinion upon them. At present, we have only to do with the naked question of the propriety of giving notice to Great Britain of our desire to annul and abrogate a convention, the benefits of which are wholly upon the side of Great Britain, and which stands in the way of the free and untrammelled action of this Government upon an integral part of our national domain, to which many thousands of our citizens have pushed their enterprise, but who are without the efficient protection of this Government and its laws.

Nor do I intend, sir, in the view I shall take of this subject, to go into an extended and laborious discussion of the title of the United States to the country west of the Rocky mountains, nor dilate upon its beauties and advantages, though I by no means believe such a discussion is inappropriate; nor would I desire to restrain Senators, on either side, from a full and free expression of their opinions upon the question of title. It is true, sir, the propriety of the notice at this time is the only question before the Senate; yet the title is necessarily mingled with it, and forms an important element in the debate; for if the United States have no valid title to the country covered by the convention, it may well be contended, a notice to terminate it would be impolitic and unwise. Two years ago, sir, when this subject was before the Senate, the title was discussed more or less, I think, by every speaker; and what is worthy of note, not a Senator was then found expressing a doubt of the validity of the American title. Now, after two years of investigation and reflection, I do hear, sir, occasionally, some doubts expressed of its validity. I entertain none myself; and if I did, I should solve them for my country. Then, sir, objections were urged against giving the notice at that time, for the reason that we had invited a renewal of negotiations, with a view to a final adjustment of the controversy, and that a special Envoy, at our instance, had been sent here by Great Britain to conduct them on her part; and that it would be discourteous at such a moment, and under such circumstances, to give the notice; and it was further said, that, at that time and in the then aspect of affairs, war might be the consequence of our action. At the present session, we have heard, sir, from the only Senator who has spoken to the question on the other side of the Chamber, [Mr. J. M. CLAYTON,] that the notice would not lead to war; but, on the contrary, that it would be a preservative of peace; that it is a measure tending to peace, and important to be given as a means of preserving that relation be-

tween two great and powerful nations; at the same time giving it as his opinion that the question of title should be discussed with closed doors—thereby implying, there might be some obscurity resting upon it, which it would be prudent not to expose before the world.

As I have stated, Mr. President, I do not propose to go at length into the discussion of our title. After the very able arguments of the Senators of New York [Mr. DIX and Mr. DICKINSON] upon this branch of the subject, by which the Senate and the country were so much edified a few days since, for me to attempt to add to their force and point would be “wasteful and ridiculous excess.” I shall not attempt it, sir; and I throw myself upon the indulgence of the Senate merely for the purpose of presenting some principles of public law to which they have not adverted, which Great Britain herself has established on this continent, having, as I conceive, a direct bearing upon her assumed claims to the country west of the Rocky mountains, and decisive, in my judgment, of the case against her. I wish to show, sir, that she is estopped by her own voluntary act, on her own principles, from setting up any claim whatever to any part of the territory of Oregon. Not an estoppel in law, sir, but an estoppel *in pais*—an act done by her, which debars her, for all time to come, from any territorial right there, unless she can extort one from our Government, by a cession of some part of the territory to her, with or without an equivalent; that without such cession, she can have no claim whatever.

I did not say, sir, as I am reported in the journals here to have said, in the few hasty remarks I made to the Senate the other day, that I could demonstrate “that we had a perfect title to the whole of Oregon.” I would by no means make such a pledge; for, however strong my own convictions may be, I might be unable so to present them as to convince others; hence, I would not incur the responsibility which attaches to such a declaration. What I intended to say, sir, was, that I would endeavor to show, on the principles established by Great Britain herself, that our title was clear as against her, and that she could not dispute it—principles which she had put forth and maintained at the cannon’s mouth, before the war of independence—principles which, if correct then, are applicable now to this territorial dispute, which, with such remarkable fatuity, we have so long entertained, but which, I trust, is now soon to be terminated.

It is a matter of well-known history, Mr. President, that the King of Great Britain granted colonial charters to Virginia, and to other British-American colonies, long prior to the conquest of Canada, which extended from the Atlantic to the Pacific ocean, and covered by their broad and comprehensive description the whole of the territory west of the Rocky mountains, from 34° to 62° north latitude. That to Virginia, by James the First, bears date May 23, 1609; it erects the colony into a body corporate and politic, and the grant is thus expressed:

“We do give, grant and confirm, unto the said ‘treasurer and company and their successors, all ‘those lands, countries, and territories, situate, lying and being in that part of America called Vir-

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Cape Comfort all along the seacoast to the south-
ward two hundred miles, and all that space and
circuit of land lying from the seacoast of the pre-
cinct aforesaid up into the land, *throughout from*
sea to sea, west and northwest, and also all the
islands lying within one hundred miles along the
coast of both seas of the precinct aforesaid: to
have and to hold, possess and enjoy, all and sin-
gular the said lands, countries and territories,
with all and singular the premises by these pres-
ents granted or mentioned to be granted to them,
their successors and assigns, forever."

The first charter of 1606 extended along the sea-
coast from the 34th to the 41st degree of north lat-
itude, but only fifty miles inland. The third, dat-
ed in 1612, annexed to Virginia all the islands
within three hundred leagues of the coast; and al-
though this charter of 1609, with the other two,
were vacated by *quo warranto* in 1624, yet a com-
mission issued for the Government of the Colony
of Virginia under the royal seal, without making
any alterations in the boundaries as established by
the charter of 1609.

Grants to Lord Baltimore and to William Penn
curtailed this colony on the north, but the western
limit was not restricted.

By running a line from a point "two hundred
miles from Cape Comfort" on the Atlantic coast,
in a northwest direction, it will be found to pass to
the east of the Lake of the Woods, and to strike
the Pacific coast near or at the 62d degree of north
latitude, and that this northwest line should run
from that point, and not from the point on the
coast two hundred miles south of Cape Comfort;
but that the west line should start from this south-
ern point, is of manifest propriety, for in no other
way could the limits of the colony extend "from
sea to sea," and by so marking it, no violence is
done to the language used, and the object of the
grant carried out, and the cardinal rule observed,
"so to construe instruments, if possible, that every
part may stand."

This grant was made, sir, by the British King
as an act of sovereignty and in virtue alone of the
discovery, under his auspices, of the American
Atlantic coast one hundred and fourteen years be-
fore. This charter is evidence, sir, that he claim-
ed not only the right of pre-emption of the native
occupants of the soil, but absolute jurisdiction and
sovereignty over all the territory covered by it from
sea to sea, by an antiquated discovery made by his
subjects, not followed up for more than a century
by any effort at settlement whatever, and by conti-
nuity of territory, there being nothing to break that
chain.

History informs us, sir, that Pope Alexander
VI. had, the year after the discovery of America,
granted the same country to Ferdinand and Isabe-
lla by his memorable bull issued from St. Peters,
at Rome, in 1493, as God's vicegerent on earth,
to whom all kings were subject, rather, perhaps,
as within the boundaries prescribed by him be-
tween Spain and Portugal than as a grant. The
right of these two potentates to make the grants,
sir, will not be inquired into, as it is unnecessary to

a true understanding of the point I wish to make.
The fact of making the grant is alone important in
this discussion. If Great Britain did make them,
I maintain she parted with all right to every part
of the domain included within the charter, and the
act is an estoppel *in pais*, as to any right on her part
to any portion of this continent between the lines
of her grants.

Great Britain, then, assumed to own, by virtue
of her prior discovery, not only the British settle-
ments on the coast and rivers, and the land imme-
diately contiguous, or drained by the waters of the
rivers which flowed through her inhabited places,
but she insisted, sir, upon excluding France and
all other nations from colonizing any part of the
country west of the Alleghany range to the Pa-
cific, on the ground alone that prior discovery and
settlement, after the lapse of more than a century,
of a small part of the Atlantic coast, gave to Great
Britain a right of sovereignty and soil, by conti-
nuity and contiguity, from ocean to ocean.

France, we know, sir, made an unsuccessful
effort to resist, by war, this British principle of
international law. The parent country called upon
her American colonies, now the United States of
America, to join the British forces and sustain this
great principle of her national policy; and after a
long and desolating war, in which British and
American blood and treasure were freely expend-
ed, victory crowned the arms of the confederates.
The treaty of peace of the 10th of February,
1763, made between Great Britain, Spain, and
France, ratified this British principle of interna-
tional law, by implication at least. By the 4th
article of that treaty, sir, the King of France, as
the aggressor, and as unfortunate in the field, "re-
nounces all pretensions which he has heretofore form-
ed, or might form, to Nova Scotia or Acadia, in all its
parts, and guaranties the whole of it, and with its
dependencies, to the King of Great Britain: more-
over, his most Christian Majesty cedes and guar-
anties to his said Britannic Majesty, in full right,
Canada, with all its dependencies, as well as the
Island of Cape Breton, and all the other islands
and coasts in the gulf of the river St. Lawrence,
and in general everything that depends on the said
countries, lands, islands, and coasts, with the sov-
ereignty, property, possession, and all rights ac-
quired by treaty or otherwise."

France, it is well known, sir, had commenced set-
tlements at Acadia, and in a dependency of Canada
northwest of the Ohio, being now the State from
which I come, and on the Ohio river; and being
beaten in the field, renounced her right and yield-
ed all her pretensions to them. She was forced,
sir, to acknowledge this British doctrine for the
American continent, that prior remote discovery
and subsequent partial settlement on the Atlantic
and a few of its rivers, afforded a just and suffi-
cient ground for extension by contiguity and conti-
nuity from that coast to the Pacific.

The same rule of public law she had applied,
sir, long previously, to the Dutch in their colony of
New Netherlands, afterwards colony, now State
of New York. Great Britain claimed to have first
discovered the Hudson river in 1608 by a Dutch
navigator in their service, who sold it to the Dutch;
and although they first settled at its mouth prior

to the settlement of the Pilgrims at Plymouth, and occupied it for half a century, they fell under the operation of this British American principle of international law, and conquest, justified by Britain on prior discovery and continuity, as intervening her colonies both northward and southward, finally added New York to the British colonies in North America, extending from the sea to the great lakes.

Great Britain, sir, maintained this doctrine, of right to territory being conferred by discovery, by her sword, and compelled all other Powers feebler than herself, to submit to its application. Certainly, then, sir, we had a clear right, when contending with her about title, resting upon similar yet stronger grounds, to apply to her, her own principles, which we, as colonies, aided her in establishing. And it neither comports with justice nor propriety, that she should be permitted to change her ground the moment those principles become inconvenient to herself, and obstruct her path to territorial aggrandizement. She must now stand up to the principle—"the chalice must be returned to her own lips."

She applied this same principle, sir, to the Falkland Islands, on the Atlantic coast of South America, which were first seen in 1592 by one of her navigators; and afterwards, in 1764 possession was taken of all of them in the name of George the Third, then King, by landing on one of them, though no settlement whatever was made or attempted. Spain, two years after, sent troops from her province of Buenos Ayres to one of these islands, took possession of it, settled it, and gave it a name. In 1769, a dispute arose between these two crowns as to the sovereignty of these islands, when this British principle of public law was again invoked, and Spain, weak and timid Spain, had to submit.

Indeed, sir, her whole history shows that prior discovery, even unaccompanied by settlement, was, for her, a sufficient ground of title.

It may be said, sir, that a true exposition of the law of nations does not sanction this principle. But Great Britain has established it, and the controversy is with her, and to her it can be applied with peculiar and powerful force. She was enabled to write this law with the point of her sword, and to interpolate the code of public law in a manner to suit herself. In this matter of international law, sir, the great moral law which should govern nations as well as individual man, is not unfrequently disregarded. With nations, might is too commonly regarded as right, and power compels obedience to the most odious principles, which, from the forced acquiescence of the weak, become in time to be regarded as fundamental principles of international law. No nation, sir, has been more uniformly successful than Great Britain in establishing these principles of international law which best comported with her own views of policy; and she has defied all nations, not excepting our own, sir, in their assertion and prosecution.

Apply, Mr. President, this conjoint British and American exposition of public law, which I have stated, to the Spanish discovery, in a national ship, fitted out for the purpose, by Perez in 1774, of the Pacific coast of Oregon as far north as the north-

west point of Washington Island, as claimed by the United States, including also Nootka and Vancouver's Island; of Heceta and Quadra in 1775, of the mouth of the Columbia river, and of various other parts of the coast, as related by Humboldt in his "New Spain," (vol. 2, pp. 252, 253;) to the fact of an actual Spanish occupation of Nootka from 1789 to 1795, when the Spaniards voluntarily abandoned it; and that no British settlement has since been made there. Apply it to the American discovery of and sailing up the principal river by Captain Gray in his good ship the Columbia, whose name the river bears. Apply it to the prior settlement by Spain of California and other points of the coast of the Pacific, under the orders of the Viceroy of New Spain, with a steady and unyielding claim of title from 1774, to the whole coast from California to a latitude north of 54° 40'. Apply it to the explorations of Oregon by Lewis and Clarke from the head waters of the Columbia to its mouth on the line of continuity, and to the American settlements made in 1809 and 1811—the latter being Astoria, at its mouth—and the post on the Okanagan, six hundred miles up the river, and one on the Spokan, still further advanced, and on the Kootenai and the Willamette rivers, and to the surrender of Astoria to the United States by Great Britain in virtue of the first article of the treaty of Ghent, and without any qualification or reservation whatever; and consider that all these acts and foundations of title, Spanish and American, belong to the United States,—and we find our title perfect to the whole of Oregon upon those principles of public law established by Great Britain herself on the American continent prior to our Revolution in 1776, and which she has always urged in her own behalf.

On England's own doctrine, sir, have we not a perfect title to the whole of Oregon? Have we not a perfect right, sir, to apply to her pretensions there, the test of her own principles? If her discovery of the Atlantic coast, and her partial settlements at Jamestown and Plymouth, entitled her to claim the whole coast and country, and to turn the French and the Dutch out of it—do not our discoveries, and those of Spain, which now belong to us, on the Northwest coast, and her and our establishments and possession there; (Spain being undeniably the first discoverer, and that not remotely;) give us a title equally valid to the coast of the Pacific? If the British principle was sound in the one case, why was it not in the other? Can this be answered? Or shall it be permitted her, at her own caprice, to change principles she has established, without resistance, from a Government and Power equal, if not superior, to her own?

The views here presented, sir, justify me, I think, in the assertion, that from the public law in regard to title arising upon discovery, as asserted by England, she is estopped by her own act from claiming any part of the Northwest coast between 34° and 62° north latitude. It will not do to say, sir, in opposition to this conclusion, that the limits of the British possessions on this continent were confined by the treaty of 1763 to the country east of the Mississippi; nor that the treaty of peace of 1783, acknowledging the inde-

pendence to that answer to previous knowledge, the United States, and for quishes and territories thereof, by this time assumed by Great Britain, their title stated. had "ten" on the Pacific degrees of as against the Mississippi—her western then, sir, Virginia this title, she granted cession of

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as claimed by Nootka and Vancouver in 1775, and of various others, and by Humboldt (252, 253;) to the title of Nootka. The settlement has been on the American principal river by Columbia, whose title prior to the settlement of other points of the coast is steady and uninterrupted to the whole coast of 54° 40'. According to Lewis and Clark, and to the American title to the latter post on the river, and on the other rivers, and on the United States by the title of the qualification of the title that all these titles and American titles and we find our title upon those titles by Great Britain prior to our title has always

have we not Oregon? Have we not a title to her pre-emption principles: coast, and her title and Plymouth, and the country, and out of it—do we not have a title, which now is valid to the title; (Spain; and that title is valid to the title principle was not in the other; permitted her, principles she has from a Government, superior, to her

justify me, I the public law recovery, as asserted by her own Northwest coast title. It will not this conclusion, cessions on this title of 1763 to; nor that the title the inde-

pendence of the American colonies, confined them to that river as their western limit. This is no answer to the argument, based as it is upon the previous act of Great Britain herself, and she now the opposing claimant; for by the terms of that acknowledgment, his Britannic Majesty acknowledges "the United States to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the government, property, and territorial rights of the same and every part thereof." Although boundaries were established by this treaty for the States, yet there was no assumed resumption of territory theretofore granted by Great Britain to any of the colonies; but all their "territorial rights" are preserved to them as stated. By the colony charter of 1609, Virginia had "territorial rights," as against Great Britain, on the Pacific coast, comprehending twenty-eight degrees of latitude; and though she did not claim, as against France and Spain, any farther west than the Mississippi, she could claim as against Great Britain—no treaty or act of hers having restricted her western limits in favor of Great Britain. Apart, then, sir, from the claims of France and Spain, Virginia claimed rightfully from sea to sea; and this title, thus emanating from Great Britain herself, she granted to the United States by her deed of cession of the 1st of March, 1784.

Another view of the question, sir, and auxiliary to this already presented, makes the case more conclusive; and it is this: Great Britain, by virtue of prior discovery, and of small and detached settlements made after the lapse of more than a century, claimed a perfect title to, and jurisdiction over, the vast region stretching from the Atlantic to the Pacific, including Oregon, and covered it with her colonial charters, as we have seen.

By the treaty of Paris of 1763, before adverted to, sir, and by the treaty of peace of 1783, Great Britain abandoned her right to all the land covered by these charters west of the Mississippi river, (which of necessity accrued to Spain as the owner of Louisiana by the secret treaty of 1762,) and of all the country west to the Pacific, including the whole of Oregon; because there was no other Power then in existence asserting a claim to, or which had made a settlement at that time on, that coast; and the claim by continuity, extending eastward from the Pacific, and westward from the Mississippi, would lawfully cover the whole space.

This treaty of 1763 was to close a war waged for territorial rights, and it was intended "to remove forever all subjects of dispute with regard to the limits of the British and French territories 'on the continent of America;' the secret treaty of 1762 not being then known, by which Spain had succeeded to the rights of France. It was agreed by it "that, for the future, the confines between the dominions of his Britannic Majesty and those of his most Christian Majesty in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river and the lakes Maurepas and Pontchartrain, to the sea."

Spain, at the same time, sir, ceded to Great Britain Florida and all Spanish possessions east of the Mississippi; and these parties, by their respective cessions, left the inference, although not expressed in the treaty, that the territory west of that river remained in the possession of either or both, France and Spain. The subsequent cession of Louisiana by Spain to France in 1800 enabled her to cede the same to the United States by the treaty of 1803. If not conveyed by that treaty, sir, as not within the limits of Louisiana, it was within the dominions of Spain; and that Power by the Florida treaty of 1819, ceded to us all her "rights, claims, and pretensions" to the territory on the Pacific north of the forty-second degree of north latitude.

Mr. President, to say the least of this exhibition of title on our part, a strong *prima facie* case is made out, sufficient, in a court of justice, to put the opposing party on his defence; and if he shows no title on his part, a recovery must be had for the premises in question. It is a good title, and must prevail over a party showing and claiming none, although in the actual possession; such possession being by the consent of the party holding the title, and which the tenant is not at liberty to dispute. It is now for Great Britain to show her title. We have made out a *prima facie* case as against her, and can recover on its strength, unless some act has been done by us, or by one or all of the parties through whom we claim, to defeat a recovery. Since this charter of 1609, and the treaty of 1763, Great Britain could put forth no valid pretension, sir, to any part of this continent west of the Mississippi, unless she can found it on some transaction or treaty subsequent to those dates. The conclusion is irresistible—there is no escape from it: she has given up all the continent west of that river, and can claim nothing there, unless on the ground of some subsequent arrangement, by which a valid claim has been acquired. And this, sir, it is pretended, she has acquired by the convention between Spain and Great Britain, signed at the Escorial on the 28th of October, 1790, called the "Nootka Convention." This convention, allowing British subjects to make settlements for trade with the Indians, without any grant of soil or sovereignty, it is alleged, changes the position of the parties, and defeats our claim to a recovery. It remains to be seen, Mr. President, if this is so—if the convention does secure to or recognize in Great Britain such a territorial claim as will defeat our title.

The language of the convention, sir, speaks for itself. There is not a syllable in it, nor a sentence, which can be tortured to convey the idea of a cession of soil and sovereignty, or of a recognition of territorial or national rights, as pre-existing in Great Britain. It secured simply, sir, to the subjects of both Great Britain and Spain certain privileges on that coast. Look, sir, at the fourth article of the treaty of 1763 for the terms nations use in ceding soil and sovereignty. They are far different from those used in the Nootka convention. There are words importing grants.

No terms of grant or cession of any sort being found in the Nootka convention, it must be deemed, like the convention we are seeking to annul

and abrogate, a mere international arrangement for the purposes of trade, which can have no influence on the question of sovereignty and title. Great Britain was seeking no national sovereignty or jurisdiction on that coast, but to protect the individual property of her subjects there, and trading privileges, "for the purpose of carrying on their commerce with the natives of the country, or of making settlements there;" and these subject to many restrictions which Spain, as the rightful sovereign, could alone impose.

It is difficult, sir, to misunderstand the relative position of the two parties to the convention—Spain claiming to be the sovereign of the country, and Great Britain simply stipulating for the protection of the private rights of her subjects within it, for the sole purpose of trading with the Indians on the Spanish coast; stipulations which would be innocent and admissible if applied this very day in favor of a foreign Power to the Atlantic coast of the United States. Such a grant would be perfectly harmless, and would convey to such Power no more, and as much, sovereignty as was conveyed by the Nootka convention.

Indeed, sir, Great Britain, so late as the 16th December, 1826, declared to our Minister that she "claims no exclusive sovereignty over any portion of that territory: her present claim, not in respect to any part, but the whole, is limited to a right of joint occupancy in common with other States, leaving the right of exclusive dominion in abeyance." This, it must be admitted, sir, is a very vague and undefined claim; the convention recognising only the right of British subjects to trade with the natives only, and even that subject to restrictions. Yet Great Britain admits, that whatever the title may have been, "either on the part of Great Britain, or on the part of Spain, prior to the convention of 1790, it was from thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself." Why, it may be asked, make such a convention with Spain, if she had no right of soil or sovereignty there; if she was not entitled, on British principles of public law, to the full benefit of all her discoveries and settlements on that coast, which she was at so much pains and expense to make, through an organized department of her Government established for that express purpose? Great Britain, up to that time, sir, had never sent out a single ship for any such purpose. Drake was a pirate, and navigated the seas for plunder, and, instead of a halter, received from his sovereign knighthood. Cook was sent to discover the much wished-for western passage to China, and had strict orders not to take possession of any part of the coast already discovered or visited by any European Power. In uninhabited countries he was to erect the proper symbols of possession. He made no discoveries, sir, which had not been made years before by Spanish navigators, except, perhaps, the Icy Cape. Perez was in Nootka Sound in 1774, and Bodega y Quadra in 1775 had named a mountain under the parallel of 57° *Mount San Jacinto*, which Cook saw in 1778, and called Mount Edgecomb. And it may be asked, sir, whose right of "exclusive dominion" over this country was

thus "to remain in abeyance?" Did Spain, by that convention, agree to anything more than this, that whilst the convention existed, her exclusive sovereignty and jurisdiction over the country, up to the 61st degree of north latitude, which she had repeatedly asserted and insisted on before the Powers of Europe, and not questioned by them, should not be exercised as to the subjects of Great Britain?

This, Mr. President, appears to me to be the true meaning and spirit of the convention of Nootka. Great Britain did not claim the sovereignty; the treaty was not made to convey the sovereignty; it was to re-establish British subjects in the possession of such "lands, buildings, vessels, and merchandise, and other property," of which, it was alleged, they had been forcibly dispossessed; "or," in default thereof, "a just compensation" to be made to them "for the losses which they had sustained." Neither the Message of the King, sir, nor the discussions in Parliament, nor the language of the diplomatic correspondence, nor the words of the treaty itself, make the least allusion to a claim of sovereignty by Great Britain, nor to a direct denial of such sovereignty as existing in Spain. The debates in Parliament, sir, which ensued this convention, will be in vain appealed to, as furnishing any evidence that it was the understanding of any British statesman of that day, who took part in the discussion, that any territorial rights, jurisdiction, or sovereignty, were acquired by it. Besides, sir, whatever it may be, it was extorted from Spain whilst under a moral duress. She was not in a condition to resist any demand Great Britain, in her arrogant spirit, might choose to make. It was an extortion which shocked the moral sense of nations. One of the most distinguished British historians, in commenting upon this transaction, so derogatory to the fame of a great and proud nation, says:

"By the treaty of 1763, the river Mississippi, flowing from north to south, in a direct course of fifteen hundred miles, was made the perpetual boundary of the two empires; and the whole country to the west of that vast river belonged to his Catholic Majesty, by just as valid a tenure as the country eastward of the river to the King of England." Jusive of the recent and decisive line of demarcation, by which the relative and political rights of both nations were clearly ascertained, the Spanish Court referred to ancient treaties, by which the rights of the Crown of Spain were acknowledged in their full extent by Great Britain."

After commenting on the offer of Spain to refer the matter to any crowned head in Europe, which Great Britain refused, and the proceedings of the King and Parliament, he says:

"No assistance being had from France, Spain, yielding to necessity, complied with the harsh demands for restitution and indemnification; and at length, on the 28th of October, 1790, a convention was signed at the Escorial, by which every point in dispute was conceded by Spain. The settlement of Nootka was restored, free navigation and right of fishing in the southern Pacific were confirmed to Britain; a full liberty of trade, and even of settlement, was granted to all the northwest coasts of America beyond the most

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France, Spain, the harsh den- thification; and r, 1790, a con- tral, by which ded by Spain. stored, free na- e southern Pa- a full liberty of s granted to all beyond the most

' northerly of the Spanish settlements, *unaccompanied*, however, by any formal *renunciation* of their ' rights of sovereignty.'

This, Mr. President, is the language of the impartial British historian, Belsham, (vol. 8, pp. 336-'7,) and clearly shows that no sovereignty was acquired by Great Britain over any part of the northwest coast; and such privileges as were actually granted, if not exercised by the grantee during the continuance of ownership by Spain, (and they were not,) would not attach to the territory when out of the possession of Spain. The convention would not bind the nation to whom Spain ceded. It is not a covenant running with the land, and to adhere to it through all the mutations of ownership. If that country, sir, had become settled after this convention by our own citizens, or subjects of a foreign Power, and they had established their independence, the convention would have been *ipso facto* abrogated, and equally so by a cession to another Power. Take the case of Texas, sir, for an example. Whilst an independent nation, she made treaties with several of the European Powers. She is now no longer such a nation—she is incorporated into our Union. What becomes of these treaties? Are they binding upon us? Can those foreign Powers demand of us the fulfilment of the engagements of Texas? I do not so understand it, sir. No more can Great Britain claim, that the country upon the northwest coast ceded to us by Spain, is encumbered in our hands by stipulations which Spain entered into whilst she possessed it.

But look, sir, to a part of the letter of Alleyne Fitzherbert, the British Minister at Madrid, to the Count Florida Blanca, the Spanish Minister, for the true understanding and real view which Great Britain then entertained of this question. He says, in his reply to the count's memorial, after speaking of the reparation to which England was entitled for the violence at Nootka:

"Finally, as to the nature of the satisfaction ' which the Court of London exacts on this occasion, and on which your excellency appears to ' desire some explanation, I am *authorized*, sir, to ' assure you, that if his Catholic Majesty consents ' to make a *declaration* in his name, bearing in substance that he had determined to offer to his Britannic Majesty a just and equitable satisfaction for ' the *insult offered to his flag*, such offer, joined to a ' *promise* of making restitution of the vessels captured, and to *indemnify the proprietors*, under the ' conditions specified in the official letter of Mr. Meares, on the 16th of May, will be regarded by ' his Britannic Majesty as *constituting in itself the satisfaction demanded*; and his said Majesty will ' accept of it as such, by a counter declaration on ' his part."—(*Appendix, vol. 8, page 33.*)

Florida Blanca made the required declaration, which Fitzherbert accepted by his promised counter declaration. And now, sir, what does this British historian say of the whole proceeding? Hear him, sir:

"But though England, at the expense of three ' millions, extorted from the Spaniards a promise ' of restoration and reparation, it is well ascertained—*first*, that the settlement in question never was ' restored by Spain, nor the Spanish flag at Noot-

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' ka ever struck; and, *secondly*, that no settlement ' has ever been subsequently attempted by England ' on the California coast. The claim of right set ' up by the Court of London, it is therefore plain, ' has been virtually abandoned, notwithstanding ' the menacing tone in which the negotiation was ' conducted by the British administration, who cannot escape some censure for encouraging these *reckless encroachments on the territorial rights of Spain.*" (*Appendix, pp. 40, 41.*)

What, then, Mr. President, becomes of the territorial claims of Great Britain upon the northwest coast; since, whatever they may have been "prior to the convention of 1790, they were from thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself," and they of the character I have shown them to be, on the authority of her own historians and her own published documents?

And, sir, it may be observed here, that if these views of that convention are erroneous, and that England did actually acquire, or procure the recognition of, territorial claims there by this convention, then, sir, it may well be insisted such claim, or title, or whatever it may be, enured, on principles of natural equity and justice, to us as her assignee, through Virginia, of the whole country.

But, sir, this convention being of the character I have stated it to be, a mere international arrangement for trading purposes, on a remote coast, was abrogated, on principles of British law—and I prefer appealing to that in a controversy of this nature—as pronounced by one of her most distinguished ministers and statesmen, Lord Bathurst, in the negotiation of 1815 between England and the United States, respecting the Newfoundland fisheries. He said "Great Britain knows of no exception to the rule that all treaties are put an end to by a subsequent war between the same parties." The war of 1796, between Spain and Great Britain, abrogated this convention therefore, and it has never been renewed. No subsequent treaty between those Powers can be shown, which, in its terms, or by its spirit and intention, renews this convention.

The mode, as practised, sir, by those very Powers, of renewing a treaty after a war, is by an express recital and renewal of it by date, or particular description and confirmation. The second section of the treaty of Paris of 1763, so often referred to, sir, shows the mode in which Great Britain and Spain and France renew treaties. It is in this form: "The treaties of Westphalia of 1648; those of Madrid, between the crowns of Great Britain and Spain of 1667 and 1670; the treaties of peace of Nimeguen of 1678 and 1679; of Ryswick of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; the treaty of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1718; the definitive treaty of Vienna of 1738; the definitive treaty of Aix-la-Chapelle of 1748; and that of Madrid between the crowns of Great Britain and Spain of 1750; as well as the treaties between the crowns of Spain and Portugal of the 13th of February, 1668, of the 6th of February, 1715, and of the 12th of February, 1761, and that of the 11th of

'April, 1713, between France and Portugal, with the guaranties of Great Britain, serve as a basis and foundation to the peace and to the present treaty; and for this purpose they are all renewed and confirmed in the best form, as well as the treaties in general which subsisted between the high contracting parties before the war, as if they were inserted here, word for word, so that they are to be exactly observed for the future in their whole tenor,' &c.

This, sir, is the regular mode of reviving treaties which have been abrogated by a war—not by silent inference, but by express recognition and enumeration; for in this mode all doubt and uncertainty as to the intention of the parties is removed.

The treaty of Madrid, of 1814, did not, nor was it intended to, revive the Nootka convention, or any commercial treaty or international arrangement which war had terminated, except those relating to commerce between Great Britain and Old Spain, not including her American colonies or distant possessions; for one clause of that treaty stipulates, if the trade is opened to her colonies, England shall be placed on the footing of the most favored nation in respect to it. How, then, it may well be inquired, can "the text and stipulations of the Nootka convention," which did not, virtually, grant anything to Great Britain, but merely permitted British subjects to settle for trading purposes upon the northwest coast, and did not even grant to them the fee simple of their settlements, be now regarded as such a foundation of title in Great Britain as to justify her in demanding of us, who have succeeded, by fair purchase, to all the rights of Spain, a division of the country? With equal propriety, sir, might a tenant at will, or at sufferance, who has occupied the premises of another under a license unmolesed for a series of years, demand of the proprietor, on receiving a notice to quit, a partition of the farm, or the occupied field. I insist, therefore, sir, in view of all these facts, arguments, and inferences, that Spain had not encumbered her title before she passed it to us. It was not affected by the convention of Nootka, and our title through Spain is therefore "clear and unquestionable."

I insist, also, Mr. President, that there is great propriety and manifest justice in according to Spain all the benefits of these principles of British law to which I have referred, and which Great Britain had forced all nations to acknowledge; because Spain had, for many years, made it a prominent feature in her policy to originate, and at great expense promote, voyages of discovery throughout the whole extent of the northwest coast. So important, sir, was this object in her view, and so deeply was it ingrafted upon her system, that she erected a distinct department, (called the Marine Department of San Blas,) purposely to conduct explorations and surveys of the northwest coast of America. She made, sir, all the most important discoveries on that coast, and named its rivers, bays, capes, and headlands, and followed up her discoveries by such settlements as were suited to her then condition; or if no settlements followed, continual claim was made, which no nation questioned. And why, sir, I would ask, were we not entitled to the benefit of this as claimants under

Spain of that very title which these acts of hers originated?

As to the true exposition of the public law, sir, upon the question of title arising from discovery only, nothing conclusive can be urged. We have seen, sir, how Great Britain has understood and enforced it. It cannot be contended, sir, in any view of the question, that a nation is bound forthwith to follow up a discovery by settlement. As to that, her condition, the exigencies of the State, must be considered; but she must do some act which will be notice to the world that she is determined to appropriate the discovery to herself. What particular act this shall be, is not settled. It must, in the nature of the subject, depend on very many circumstances—no invariable rule can be applied. Yet some act must be done, evincing this design of appropriation; but at what time, must always be an open question. Spain did as much to notify the world of her intention as any other nation, that is certain, which had originated discoveries.

Another view of this convention, Mr. President, as a foundation of claim by Great Britain, may with propriety be urged. Whilst it was, as now alleged by Great Britain, in full force, why did she, in 1818, before we had acquired the Spanish title, voluntarily enter into the convention with us on the 20th of October of that year, so inconsistent, as it is, with her engagements with Spain under the Nootka convention? And why did she not base her pretensions at that time, as she does now, on its "texts and stipulations," and not on "vague narratives of discoveries, some of them admitted to be apocryphal?" If she really believed the convention of Nootka was in force at that time, it is incomprehensible that she should not have urged it. By neglecting to do so, sir, these inferences are fair and rational: 1st. That Great Britain no longer considered it in existence or binding upon her; otherwise, she could not have violated her obligations to Spain, by covering the same ground in a treaty with another Power. 2d. That, by transferring her obligations from Spain to the United States, Great Britain thereby acknowledged a right in the United States, independently of Spain, as existing in virtue of our well-known prior discovery, exploration, and settlement. This convention of Nootka, supposed by Great Britain in 1818 to be extinct and not alluded to, was made an element in the controversy, by our own Minister in 1824, who brought it forward under instruction from his Government.

Thus forbearing, sir, in 1818, to present her claims under the Nootka convention, Great Britain can now repose on no other right than that, gratuitously, without any equivalent whatever, granted to her subjects by the convention with us of that year, and indefinitely continued by the convention of the 6th of August, 1827; for by the conclusion of the former treaty, she considered and treated that of 1790 with Spain as a nullity, and, thus regarding it, it follows, as a necessary and inevitable consequence, that, as by her own acknowledgment we were the party in possession, the right of sovereignty resided in the United States.

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of claim of Great Britain to any part of the north-west coast south of 54° 40', derived from whatever source she may now choose to select, it may be found, sir, in the most solemn and imposing form. By the convention between the United States and Russia, made on the 17th of April, 1824, it was agreed that she should make no settlement south of 54° 40' north latitude, and we none north of that parallel. It is a fact, in the history of that transaction, that it was contemplated to have, at that time, a joint convention between England, Russia, and the United States; but after the announcement by President Monroe of the non-colonization principle, in regard to this continent, it was abandoned, and separate conventions were framed. Great Britain being thus aware, sir, of this arrangement between us and Russia, and wishing to secure the sovereignty and possession of a part of that coast, entered into negotiations with Russia for that object; and by the convention of the 28th of February, 1825, more than ten months after the date of the convention between the United States and Russia, Great Britain accepted a stipulation restricting her to the coast lying between 54° 40' and 56° of north latitude. In thus accepting, sir, this restriction on the south, either Great Britain tacitly relinquished any pretensions to interfere with the territory of the United States, or the Russian Government undertook to prevent such interference (so far as she could do it by treaty) with the rights of the United States, so recently acknowledged by herself, under the solemnity of treaty forms. The former is to be presumed, sir, rather than the latter; and a magnanimous spirit would attribute such acknowledgment by the British Government to a consciousness of the superior title of the United States to that territory above all other nations, we having then the entire Spanish title, rather than to the tame submission of a nation possessing a power more extensive than that of Rome in the plenitude of her glory.

It may be said, sir, that the arrangement between Great Britain and Russia did not affect any conflicting claims as between Great Britain and the United States to any territory south of 54° 40'; but the value of this suggestion will be properly appreciated, sir, when it is considered, that in the negotiations between the United States and Russia no notice was taken by either party of any claim whatever of Great Britain to any part of that territory; which, it is not to be supposed would have been the case, had any *known, well-founded* claim on the part of Great Britain existed. A nation of her power would scarcely have been treated with so much indifference, not to say disregard, by the other contracting parties.

Moreover, sir, had Great Britain considered herself in 1824 as possessing any right over the territory south of 54° 40', or had she considered herself as having "a claim not in respect to any part, but to the whole, limited to a right of joint occupancy in common with other States, leaving the right of dominion in abeyance," it is not to be imagined, as observed by the present distinguished Envoy of Great Britain to our Government, (in speaking of the pretensions of Spain to the same territory,) that Great Britain "would have passively submitted

to see the contending claims of [Russia] and the United States to a portion of that territory the subject of formal diplomatic transactions between those two nations."

It was important, sir, to the interests of the United States that an arrangement of this kind should be made with Russia after we had succeeded to the title of Spain, as Russia had eight establishments on that coast of very considerable antiquity at 58 and 59 degrees north latitude, composed of several hundred individuals, and, on the principles of contiguity and continuity, might well have claimed a more southern boundary; and she was the only Power whose pretensions we might have found difficult to resist, being coterminous with us in our extension north on the same principle of continuity; for it is admitted, sir, on all sides, that the claim of Spain to Nootka at 49° 30' is good, by virtue of her settlement there, made in 1789. Russia, then, extending south from 59°, and the United States, under Spain, north from Nootka, would bring the line very near the parallel of 54° 40', which these parties did in fact establish.

Believing, Mr. President, the grounds set forth to be conclusive of the title of the United States to the territory in question from latitude 42° to 54° 40' north, I do not deem it necessary to enter into a discussion of many considerations pertaining to the case which have been brought to our view by the able efforts of distinguished diplomatists. It may, however, sir, not be inappropriate, as in close connexion with this subject, and as having a favorable bearing upon our title, to notice the just remarks of Lord Bathurst, in his communication to our Secretary of State of the 30th of October, 1815, discussions being then pending as to the effect and operation of the treaty of Ghent, but a short time previously concluded:

"It will not be denied," he said, "that the main object of the treaty of Ghent was the mutual restoration of all territory taken by either party from the other during the war. As a necessary consequence of such a stipulation, each party reverted to their boundaries as before the war, without reference to the title by which those possessions were acquired, or to the mode in which their boundaries had been previously fixed. In point of fact, the United States had before acquired possession of territories asserted to depend on other titles than those which Great Britain could confer."

Again he says: "It is justly stated by the American Minister, that the United States did not need a new grant of the boundary line. The war did not arise out of a contested boundary; and Great Britain, therefore, by the act of treating with the United States recognised that nation in its former dimensions, excepting so far as the *jus belli* had interfered with them; and it was the object of the treaty of Ghent to cede such rights to territory as the *jus belli* had conferred."

These remarks, sir, applied to the condition of the question concerning the territory of Oregon, will be seen to have a peculiar and powerful force.

The *jus belli*, sir, had given to Great Britain the American settlement of Astoria at the mouth of the Columbia river—the symbol of our sovereignty and title there—the rightful possession of which had been acquired by us previously, and rested on

"other titles than those which Great Britain could confer." The main object of the treaty of Ghent was, "the mutual restoration of *all territory taken* by either party from the other during the war." The United States claimed title to the whole territory in virtue of discovery, exploration, and settlement, in their own right, and by cession from France; and "without reference to the title by which it was acquired," they reverted to the right as it existed before the war. Before the war, sir, we had exclusive possession of the territory of Oregon—of distinct parts in the name of the whole. By the war we lost it; and by the unconditional surrender of this part, on the 6th of October, 1818, without any reservation whatever, we were from that moment, again in legal contemplation, in the exclusive possession and became sovereigns *de facto* if not *de jure*, of the whole country claimed; the British Government, through their authorized functionary, admitting, "in the most ample extent, our right to be reinstated, and to be the *party in possession* while treating of the title." Great Britain is estopped from denying our right to be in possession by her own acknowledgment; she cannot now contest it. This right of possession, sir, we now, and from thence, have wholly enjoyed; and we cannot be deprived of the right, except by force or by a voluntary cession on our part. Having thus, sir, our sovereignty acknowledged, fourteen days after the restoration of Astoria, on the 20th of October, 1818, without any equivalent whatever—unless the concessions in the first article of the convention of that date were intended by the high contracting parties as an equivalent—we agreed with Great Britain, that this territory "shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the *only object* of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

This convention, sir, it will be perceived, admits no claim on the part of Great Britain to a foot of territory there—no sovereignty, no right of soil, no territorial jurisdiction whatever. It is a mere easement granted to Great Britain for the sole purpose of preventing disputes and differences between the parties through collisions among their citizens and subjects, and originated in motives of policy. British traders, after the capture in 1813, sought the country in great numbers, enriching themselves from its wild productions, with whom our own citizens, allured by the same object, might come in collision, from which angry disputes and national difficulties might ensue. It was deemed politic, sir, under such circumstances, to license this use of the country for ten years, as it was not then needed for any national purpose, or expected at that day ever to become an important appendage to our Union. I shall not say, sir, that this con-

vention was not a wise arrangement at the time it was entered into. No right in Great Britain is acknowledged by it. There is no such idea in any part of the instrument; no recognition expressed or implied of a right in Great Britain to any part of the country. And at that time, too, sir, we had not the Spanish title upon which to repose, nor in other respects were we then in a condition to assert more resolutely than we did our right as against Great Britain, independent of the title of Spain. It was, perhaps, sir, sufficient for us at that time to have our right of possession acknowledged by that Power. The ten years being about to expire, the term was indefinitely extended, very unwisely I think, sir, in view of our then altered circumstances, by the convention of the 6th of August, 1827, which we now seek to abrogate; and when abrogated, we are for the third time in the exclusive possession of the country as its legitimate sovereign; a trespass upon which, wilfully, and by force, by any other Power, would be an act of war, to be treated accordingly. Having the right to be the party in possession, on the admission of Great Britain through Lord Castlereagh in 1818, that right must necessarily be exclusive. Great Britain will have no right to occupy any part of the country; for if we are of *right* the party in possession, she cannot be there except wrongfully. Such subjects of a foreign Power as shall choose, after that event, to remain in the country, would necessarily become subject to our laws and jurisdiction; and on taking the oath of allegiance, would share with our own citizens all the benefits of our national liberality, as grantees of lands, and participate in the advantages humanity derives, of whatever country or creed, from our much-cherished and free institutions.

I think, sir, the time has arrived when this convention should be terminated; and I had hoped we would have voted upon the proposition, without debate, with great unanimity and promptitude. At present, sir, although we have the acknowledged right of possession to the territory of Oregon, in the greater part of it,—in all of its north of the Columbia river, except a small American settlement at Bulfinch's Harbor, Great Britain, by her subjects and her chartered power, is in the actual and exclusive possession. So exclusive was this possession, that the northern bank of that river was known and called the "British side," and the opposite bank the "American side." Our own citizens, Mr. President, derive no benefit whatever from this convention; all the advantages are on the side of British subjects; and we, at the same time, the true owners of the whole country. This being the case, sir, unless we take some decided action in order to obtain, on our part, that exclusive possession which belongs to the right, they will continue to derive these benefits, to the exclusion of our citizens. It seems to me, therefore, sir, the advantages being all on the side of Great Britain, unless we give the notice, unless we express a desire to terminate the convention, it will never be terminated by Great Britain. Notice will never come from that side, sir. She has all she desires, as things now stand, and has, therefore, no stimulant to act. She will not take the initiative. She does not desire to be remitted to

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her original barren pretensions; whilst we encounter no danger, by reposing upon a title "the best in existence." And, as was said the other day by the Senator of Massachusetts, [Mr. WEBSTER,] it cannot give offence to Great Britain, being but in accordance with a treaty stipulation; and I will add, sir, she would have no right to demand the reason for such action on our part, nor would we have the right to ask of her the reasons should she choose to give the notice, but receive it in amity should it come from that Power. This convention, sir, is an obstacle in our path of progress, and we must get rid of it. So long as it exists, we can do nothing effective; we cannot extend our laws in their most ample scope over the country for the protection of our citizens there; we cannot erect means of defence or of refuge; we cannot make grants of land in fee to the settlers who are now there in thousands, reposing with confidence upon the firmness and justice of a Government they dearly love; in short, sir, we can do no effective act whilst the convention exists. By abrogating it, we are at once enabled to exercise, in the fullest extent, any act of sovereignty we may desire—it will restore us to freedom and enable us to pursue such a course for our own interest as we may choose, in our wisdom, to adopt. If we do not take this course, if we do not give this notice, if we allow things to remain as they are, there is manifest danger, before the lapse of many years, that difficulties will so grow up and thicken, that a war may be the result; or else, that a country, favored by Providence beyond almost all others in all the great essentials of human happiness, and so necessary to us in an enlarged view of our future destiny, may become, by our unpardonable neglect, an independent nation under some foreign guaranty, and possessed of elements and a position well calculated to annoy and embarrass us hereafter. Sir, there are strong indications of a desire in several quarters that such should be its destiny. It is the opinion of gentlemen of great intelligence, high character and influence, that it is not possible that Oregon should long continue to be an appendage of our Government, but must be independent.

I think differently, sir, if we do our duty. I think, as it is an integral and most important part of our empire, we should be awake to its preservation. If we are mindful of this germ the enterprise of our people has planted on the shores of the Pacific, if we nurture it and cherish it, as it should be nurtured and cherished, bestowing upon it our kind, protecting care, it cannot but grow in beauty and expand in strength, and, deriving its sustenance from the parent stem, will flourish with it in undying verdure.

It depends upon ourselves, whether this country shall remain with us or not. Its destiny is, under Providence, in our own power, and we encounter a most weighty and fearful responsibility, if by any supineness, timidity, or want of resolution on our part, its preservation shall be jeopardized, and, in the end, lost to us forever.

If it was proper, sir, in the nascent state of the Atlantic colonies, for Great Britain to assert, and prosecute, and establish by force of arms, and by arguments from the cannon's mouth, the principles she did establish for the extension of her territory,—

how much more proper and necessary is it for us, sir, in this our age, with all the improvements in mechanical philosophy and the arts, by which space is annihilated and distance measured, not by miles but by minutes, with our teeming millions on the vast plains of the West, in reach of the Pacific—many thousands of whom have gone to settle upon its shores and upon the fertile banks of its rivers—that the full benefit of this principle of British law should be claimed by us, and we be as ready and as willing to contend for it, even unto war, as she was, with our aid, against France. And why should we hesitate to take the initiative of measures which will force her, sir, to acknowledge her own doctrine? The judgment of the civilized world will be pronounced against her should she disavow the doctrine, and the sin of a war, should one follow, will lie heavy on her soul.

Relying, Mr. President, on the principle of public law, as to territorial rights, taught us on the Heights of Abraham and on Braddock's field, Great Britain will have no reason to complain if we urge them against her, who originated them and gave them currency. And, sir, when Oregon shall be filled with our people, (as it soon will be if this Government is true to its own interests,) no apprehensions of any foreign intruder, under what flag soever he may seek to make his entrance, need be entertained. It is our true policy, then, sir, to give the notice, and assert and maintain the principle of British law which England is estopped from denying, and which establishes our title to the Russian line. If, however, sir, I could be made to believe that the effect of the notice would be, as has been intimated, to place our Government in a position to compromise our undoubted right, upon any other line south of that, I would vote against it, and fall back upon the "masterly inactivity" of the Senator of South Carolina, [Mr. CALHOUN,] as the wisest policy, and leave to time to accomplish the great object to which the whole American heart is so earnestly and truly devoted. But, sir, I have full faith in the prudence, firmness, and sagacity of the Executive, and do not anticipate any such calamitous result. I do not suffer myself for a moment to believe that he will violate his published pledges. No, sir; I have implicit faith in him, and that he will so act on this and on all other great occasions, in which the interests and honor of his country are involved, as to command the unqualified approbation of those who have raised him to his present elevated position.

Considering, sir, the contiguity of Oregon to our western settlements, and as the only vent, westward, of the vast surplus productions of the rich basin of the Mississippi to the shores of Asia with her millions of inhabitants, and its accessibility by railroads from the Atlantic States, bringing them also into close proximity to the same great markets; and considering, also, that our republic opens her public domain to the over-populated countries of Europe, and offers to all who may seek it cheap fee-simple farms, and the full enjoyment of our free institutions, we cannot be charged, sir, in desiring to possess Oregon, with selfish or ambitious views, or with a spirit of mere territorial aggrandizement; but the impartial and the just will see in it a desire only to extend more

widely the area of human freedom, and diffuse more broadly the means of human happiness—as an extension, sir, of that grand theatre, on which God, in his providence, and in his own appointed time, intends to work out that high destiny he has assigned for the whole human race.

But, Mr. President, it is said the difficulty must be settled by negotiation. The notice, sir, will not prevent negotiations; on the contrary, it will stimulate the parties to bring all differences growing out of this controversy to a conclusion. There are many things to negotiate about, sir; many important questions and interests which are fit subjects of negotiation; and among them are those pertaining to the Hudson's Bay Company. And I believe, sir, that all the difficulty, or nearly all, which surrounds this question, so far as Great Britain is concerned, is the obligations she is under to that corporation, growing out of the renewal of their charter in 1838, for twenty-one years, in which, by the way, sir, the privilege was reserved to Great Britain to grant, for the purpose of settlement or colonization, any of the lands comprised within the limits of their charter. In the correspondence with the British Colonial Secretary of State, which led to this renewal, sir, the company urge, as a reason for it, that “they have succeeded, after a severe and expensive competition, in establishing their settlements, and obtaining a decided superiority, if not an exclusive enjoyment of the trade; and that they occupy the country between the Rocky mountains and the Pacific, by six permanent establishments on the coast, sixteen in the interior country, besides several migratory and hunting parties; and they maintain a marine of six armed vessels, one of them a steam-vessel, on the coast.” They also speak of their large farms, and of other projects, having reference to an export trade, and the settlement of their retired servants in the country. All these things, sir, superinduced by the act of Great Britain, tend, no doubt, to embarrass her, as she may, in justice, be compelled to answer, over to that company, for any injury that may result to it from a surrender of her pretensions to the country.

Now, sir, it would be manifestly proper for the two Governments to confer together on these matters, to negotiate about them, and perhaps, sir, it might be found to be expedient to indemnify this company for their outlays there, and concede to them the use of the Columbia river for a few years, to facilitate their exit, with their property, from the country, and as auxiliary to winding up their affairs. So far as these and kindred matters are concerned, sir, I hope negotiation will go on, but am utterly opposed to it, if it is to involve a cession of any portion of the country to Great Britain. I am opposed to that, sir, and will never sanction such an act by my vote. A nation, sir, submitting to a negotiation which shall end in compromising a claim so valid as ours, by yielding up a part, when it has strength enough to preserve the whole, does, in my judgment, an unpardonable wrong, and becomes dishonored, not only in the estimation of its own people, but of the world. I will never consent to it, sir, let what may happen.

But it is said, sir, the matter should be referred to arbitration, and that such a mode is in strict

conformity with the law and practice of nations in like cases; and our Government is censured, sir, for not accepting a proposition of this nature, when lately tendered by the British Envoy. The Senator from Kentucky [Mr. CRITTENDEN] said the other day, that he did not know what right we possessed to exalt ourselves above all law heretofore recognised amongst nations, and to say that our territorial disputes are to be placed above all arbitration; and then, with great emphasis, remarked, “what a glorious homage would this Republic render to its own best principles by accepting the arbitration of a tribunal composed of men distinguished only for their talents, knowledge, science, and moral worth.” Sir, I should be very much opposed to submit a question of territorial right to any Power on earth, or to any board of civilians, in whatever form it might be proposed. There are, to my mind, sir, insuperable objections to it, and it does not seem to me to be practicable according to the proposition of the Senator. Leaving out of view all others, there is one fatal objection to such a proceeding, and that is, the parties cannot be compelled to abide by the award; there is no power by which it can be enforced. Instead of settling the question finally, it might render it more complicated than before; and in the event of a refusal by one party to stand by the award, war most probably would ensue. Suppose the Columbia river, sir, should be declared by the arbitrator as the line, in conformity with the British proposition: can any one believe this Government or country would abide by it? If a monarch is made the arbitrator, we would have his prejudices to encounter, and incur the risk of his submitting the question to one of his Ministers, or Secretaries, or Chiefs of a Bureau; and in either case, we would have no personal knowledge of some of the parties by whom the award is to be made. The arbitrators, whoever they might be, would not be required to be governed by the right of the case, nor by the strict law of the case; nor would they be thus governed. Other principles—considerations of expediency, suggestions of policy, and, withal, a desire to give each claimant something—would naturally influence them. Sir, this Administration could not stand a single moment before the American people, if, by its act, by referring a question of this nature to the decision of a board of arbitrators, the entire control of the Pacific coast, and of the commerce with China, and the foreign export and import trade of the western States now opening to them with the east, shall be lost to them. No Administration could survive a surrender of such important prospective interests. Arbitration, sir, is out of the question. In controversies between individuals submitted to arbitration, the arbitrators are known to the parties, and a power is vested in the courts to enforce obedience to the award; but there is no tribunal to compel obedience between nations. The whole thing is surrounded by difficulties. Besides, sir, there is really nothing here to arbitrate about; for a proposal to arbitrate, and an acceptance, presuppose a right exists to a part of the country, which we deny. Where a right to coterminous territory is admitted to exist, but the boundary undefined, it may be proper, in such a case, to re-

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of nations in censured, sir, this nature, Envoy. The [FENDEN] said w what right above all law is, and to say placed above at emphasis, we would this principles by acc composed of lents, knowl- r, I should be ion of territo- any board of be proposed. ble objections be practicable ator. Leav- one fatal ob- it is, the par- y the award; be enforced. ally, it might re; and in the stand by the ue. Suppose elared by the with the Brit- this Govern- If a mon- have his pre- sk of his sub- sistors, or Sec- in either case, ge of some of to be made. at be, would s right of the ; nor would principles—cons- of policy, imant some- m. Sir, this gle moment s act, by re- decision of ntrol of the with China, trade of the with the east, ration could prospective the question. submitted to the to the par- ts to enforce o tribunal to The whole Besides, sir, e about; for- ce, presu- mtry, which inous terri- undary un- case, to re-

fer the matter to mutual friends, to establish the line of boundary. That was the case in regard to our northeastern boundary, and it was referred to the King of the Netherlands; and he, instead of attending to the terms of the submission, and following the highlands, assumed the valley of the St. John's river as the true boundary; which satisfied neither party. But, sir, it is unnecessary to say anything about arbitration, as the Government has, in the most decided manner, rejected the proposition; and there is no wish, I am sure, on the part of this country, that it should be accepted at any future time. Whilst negotiating, sir, in 1818, upon a very question of Oregon, then called "the settlement on the Columbia river," a reference of it to the Emperor of Russia was in contemplation. The action of our Government then, sir, upon the suggestion, was not different from the present. In a despatch from our Secretary of State, (Mr. Adams,) of the date of July 28, 1818, to our negotiators, (Messrs. Rush and Gallatin,) I find the following passage, which I will read for the benefit of the Senate from the 4th volume of American State Papers, title "Foreign Relations," p. 377:

"The expediency itself of submitting questions of territorial rights and boundaries, in discussion between two nations, to the decision of a third, was unusual, if not entirely new, and, should the contingency occur, will probably encounter difficulties of execution not foreseen at the time when the stipulation was made of resorting to it. The subjects in controversy are of a nature too intricate and complicated, requiring, on the part of the arbitrator, a patience of investigation and research, historical, political, legal, geographical, and astronomical, for which it is impossible to conceive that the sovereign of a great empire could personally bestow the time."

This, sir, was American doctrine then, and it is correct. Mr. Adams was right. Questions of this description should not be submitted to a foreign Power, for the reasons giving by him, and those I have given—that there is no power existing to enforce the award, and if one of the parties does not choose to abide by it, it can only operate to produce the conflict which it was the object of the arbitration to avoid. While speaking of this subject, sir, I wish to notice the peculiar phraseology of the letter of the British Minister conveying the proposal, to the rejection of which so much exception seems to have been taken. In his note of the 10th January last, Secretary of State, after alluding to the rejection of his first proposition, as contained in his note of the 27th of December, for a reference of the question "of an equitable partition of the territory," and the objections of our Secretary to it, he says:

"This premised, the object of the undersigned in addressing to Mr. Buchanan the present communication is, to ascertain from him whether, supposing the British Government to entertain no objection to such a course, it would suit the views of the United States Government to refer to arbitration, not, as has already been proposed, the question of an equitable partition of the territory, but the question of title in either of the two Powers to the whole territory, subject of course to the condition, that if neither should be found, in

'the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating Power, be called for by a just appreciation of the respective claims of each."

Now, sir, it will be perceived, here is no distinct proposition to refer the question of title at all: he merely inquires, Supposing Great Britain should entertain no objection to refer the question of title to arbitration, what would the Government of the United States be willing to do? It would have been proper, in my judgment, to decline a reply to a proposition presented in such a form, as it was not a definite proposal to submit the question of title. It is a "fishing" question. A hypothetical case is presented, which our Government might well refuse to entertain, and made subject to the condition, on the happening of a contingency, of an equitable division of the territory. Sir, we do not desire a division of the territory. I am instructed, and feel pleasure in acting up to those instructions, to oppose by my vote a surrender of any portion of territory rightfully belonging to us through the instrumentality of arbitration by crowned heads, or a board of civilians, or by negotiation in any form. I would advise negotiation, sir, as I have already said, in regard to all other matters growing out of this question, or with which it is legitimately connected; and should be disposed to be liberal. I would grant to the Hudson Bay Company, which has so much at stake, certain privileges for a limited period. I would do nothing that is unjust, nor advise it to be done; and, in taking a retrospect of our past history, sir, I believe the greatest enemy of republican principles cannot point his finger to a single act of national injustice committed by us. It may be said, to the glory of the American name, that not a single act in our whole career can be found, by our most unscrupulous enemy, calculated to stamp injustice upon our national character. We have never done injustice; we have always sought, in our national conduct, in all our difficulties and embarrassments, to carry out the golden maxim, "Do unto others as ye would they should do unto you." Our reputation, in this regard, is pure and unspotted, sir; and I desire to keep it so. I wish to do nothing bordering even upon the confines of injustice; and therefore, sir, if the Hudson Bay Company have important interests there—and that they have, I am free to admit—and the British Government is responsible to them for any injury which may result, in consequence of any disposition of the country policy may require Great Britain to make; and if, in order to carry on their trade a few years longer, and settle their affairs, they should desire the use of the river for a short period, I would concede it to them most cordially. I would afford them every facility for closing up their affairs, and leaving the country to our exclusive jurisdiction; but to no division of the territory could I ever consent. We all recollect, sir, that memorable display of the wisdom of Solomon—the case of the living child claimed by two mothers—and the exhibition of true parental affection on that occasion. She who consented to the division of the child was adjudged not to be the true parent,

and the real mother was restored to her own. So it is, sir, with the true friends of Oregon: they cannot consent to a division of the child of their love. If England is the true parent, give it all to her, sir. We cannot consent to a division of the territory, either by the Columbia river, or the forty-ninth parallel. And here, Mr. President, I must be permitted to say, "more in sorrow than in anger," I regret, as a friend of the Executive, that he felt himself bound to offer to Great Britain the proposition to divide the territory on the forty-ninth parallel. I think, sir, the error, on his part, consisted in this: that he did not consider it a new question, so far as he and his Administration were concerned. In my judgment, sir, so far as he was concerned, it was an entirely new question. And why, sir? Because, at the convention which assembled in May, 1844, to nominate candidates for President and Vice President, to be supported by the party to which he belongs, a delegate of the State of New York offered the following, among other resolutions, which was unanimously adopted, as a principle of action and of union. Here it is, sir:

"Resolved, That our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other Power; and that the re-occupation of Oregon and the re-annexation of Texas, at the earliest practicable period, are great American measures, which this convention recommends to the cordial support of the Democracy of the Union."

Now, sir, on these great "American measures," then for the first time adopted as such, we went before the country. The present Executive was the candidate of the party that avowed this right and title to the whole of the territory of Oregon. Oregon was the watchword throughout the whole length and breadth of the land. It was not confined to the west or southwest; but in the northern, middle, and throughout all the States, it was the rallying cry. Oregon and Texas were one and undivided. The Executive was elected by the aid of this measure; and to what did he pledge himself on the eastern portico, before his assembled fellow-citizens, in his Inaugural Address to them and to the country? Mark his language, sir:

"Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky mountains. Our title to the country of the Oregon is 'clear and unquestionable;' and already are our people preparing to perfect that title, by occupying it with their wives and children."

Such, sir, was his explicit and frank declaration, in accordance with the public judgment of the country; such was his pledge. He had been elected as friendly to a series of measures, of which the entirety of Oregon was one; and thus it became, in my opinion, as to him and his Administration, an entirely new question. It never had before, Mr. President, been an element in any political controversy, and his Inaugural Address prefigured to his constituents what his course would be, when called to act upon the question. In his Message delivered to Congress at

the present session, he does not depart from the ground he then assumed as to the right, but "in defence alone to what had been done by his predecessors, and the implied obligation which their acts seemed to impose," and not considering it a new question, he made the proposition. Again, I say, sir, I regret the President took that view of the subject, and offered a proposition so well calculated to embarrass his friends in different parts of the country, and who had united in condemning those predecessors for making a similar offer. But the proposition was made and rejected by Great Britain, withdrawn by our Government, and is no longer binding. The President tells us, with his conviction that no compromise which the United States ought to accept can be effected, "the position of compromise, which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained 'by irrefragable facts and arguments.'" He then recommends giving the notice to terminate the convention, and says: "At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt." Again he says: "Oregon is a part of the North American continent, to which it is confidently affirmed, the title of the United States is the best in existence."

To understand, sir, what is meant by our national rights in Oregon, which cannot be abandoned without a sacrifice of both national honor and interest, we have only to recur to the passage first above quoted. We there find that it is to the whole Oregon territory, our title to which is maintained "by irrefragable facts and arguments." Under these full and patriotic declarations, the country can repose, sir, with perfect confidence: entertaining no apprehensions that their President will swerve from them in the slightest particular, now that the honorary obligation is fully discharged.

The recommendations of the President, sir, should be carried into effect. I hope they will be by the unanimous vote of the Senate. I should rejoice to see entire union upon them. In cases of this kind there should be no party divisions; party should have no existence; it is not now a party question. By reference to the vote in the other House, it will be seen that party lines were not observed, and I hope it may be so here.

Even, sir, if the very objectionable resolutions offered by the Senator from Georgia [Mr. Calhoun] should receive the assent of the Senate, I should still feel assured, having so much confidence in the wisdom and firmness of the Executive, that whatever compromise he might be compelled, under the terms of it, to offer or accept, it would not be such an one as would involve a cession of any part of the territory, because, sir, he is fully committed to the nation to maintain its right to the whole territory, and to preserve unsullied the national honor, and he feels the responsibility of the position.

Mr. state of twelve sir? I they w as they States sir, wil of the t be at c which in the we can There given, Preside that an ain wil conside that we of encr authori not has cannot abridge no right The qu this rig Britain and un force of ed, or for a m wicked our nat this an path of all we judgm charact we hav right o ment of eration But she wi come; Senato undert will do can sa every which oppose other e did sh was th gerent her Cr way, l of enc act: a procee treaty aggrar take p we pu selves

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Mr. President, let us inquire what will be the state of things after the notice is given, and the twelve months have expired. What will follow, sir? If British subjects remain in the territory, they will, necessarily, become subject to our laws, as they are now in every other part of the United States in which they may happen to be. That, sir, will be their condition—that will be the effect of the termination of the convention; for we would be at once remitted to our right of possession, which must necessarily be exclusive, placing us in the actual sovereignty of the country. That we can maintain that position is very certain. There need be no apprehension, sir, if notice be given, and the measures recommended by the President carried out, and emigration encouraged, that any act of violence on the part of Great Britain will take place; because, in addition to other considerations, we have her unqualified admission, that we have the right of possession, and any act of encroachment on her part would be entirely unauthorized and unjustifiable, and which she would not hazard, as it would be an act of war. She cannot now gainsay that admission. She cannot abridge it, and while it remains, she would have no right to interfere with our exclusive possession. The question then will be, sir, shall we maintain this right, fortified by the admission of Great Britain herself, and reposing upon a title so clear and unquestionable as ours is shown to be, by force of principles which she has herself established, or shall we abandon it? I cannot think of it for a moment, sir, as it would be a wilful and wicked abandonment "of our own self-respect and our national honor." All we have to do, sir, in this and every other emergency, is, to pursue the path of duty and honor, lead where it may. After all we have said and done, sir, it would, in my judgment, be highly derogatory to our national character to recede a single inch from the position we have assumed, fortified as it is by the clear right of the case, sanctioned by the common judgment of the whole country, and taken with deliberation.

But it is said, sir, Great Britain will not recede—she will not yield her pretensions, and war may come; and this seems to be the opinion of the Senator of Michigan, [Mr. Cass.] I cannot undertake to say, Mr. President, what England will do when the crisis comes; but this I think I can say, that her history shows that in almost every case threatening a controversy with us, in which she has been firmly met and resolutely opposed, she has never persisted. To instance no other examples: at the time we acquired Louisiana, did she not object, and protest, and threaten? She was then at war with France, and might, by belligerent capture, have added that rich province to her Crown; but we pursued the even tenor of our way, kept our object steadily in view, and in spite of enemies at home and abroad, consummated the act: and what was the result? So in regard to our proceedings towards Spain, before the Florida treaty. She charged us with a desire for territorial aggrandizement; she protested against our right to take possession of that part of it we claimed; yet we pursued the course policy and justice to ourselves dictated—placed at the disposal of the Ex-

ecutive means adequate to the exigency of the case, and we heard no more of British interference or opposition. So in regard to the surrender of this very territory, under the first article of the treaty of Ghent. For three years she raised difficulties, coined objections, and postponed the execution of a positive treaty stipulation; but we were firm and importunate, and were reinstated in our possession. And it is only necessary for us, sir, in this case, to be firm, calm, and prudent, demanding nothing but what is exactly right, and manifesting a disposition to do full justice, and there is no danger of a controversy.

But, sir, if we adopt a timid policy; if we betray a weak and vacillating purpose; if we hesitate,—we run the hazard of bringing upon us the very calamity we seek to avoid. Great Britain understands this well. She knows our history. She knows we are as firm and unyielding as any nation can be with the right on our side, and that we have never persisted in the assertion or maintenance of wrong. All we have to do, then, in this crisis, is, to maintain this firm and decided position; and my life on it, she will not involve her country and this in the calamities of war for Oregon. Sir, Great Britain is not prepared for a war with us. She never was in a more precarious condition than she is at this moment; not from internal decay, perhaps, sir, but from the circumstances of her position, and without a friend in any one of the nations of the earth. She is, too, at this moment embarking in a bold, and to her dangerous, experiment—no less, sir, than a radical change in a policy to which she has adhered, with such pertinacity, since the revolution of 1688. Her success, sir, in this experiment, she must know and feel, depends in a very great degree upon the maintenance of amicable relations with this country. We have been, and now are, her best customer, and it is not to be presumed she would attempt such a change, with her best customer in arms against her. That would be fatal, suicidal.

The controversy will never be prosecuted to a war by Great Britain, under the circumstances in which she is placed, unless we manifest timidity and indecision; and if it should, sir, I cannot think she could do us any very great injury. I have reflected a good deal upon this subject, and I cannot for my life, sir, see how she can inflict upon us any permanent injury, while she is exposed to that hazard from us by the very nature of her system. We might lose some merchant ships, and a vessel of war or so; but her own commerce would be more crippled than ours. We could carry on a war of ten years with less injury to us than to her. Our condition is vastly different now from what it was when the war of 1812 was declared. Then our population was small, our internal commerce nothing. Now we have facilities of approach from the seaboard into every part of the country, near 20,000,000 of people, and an internal commerce fifteen times as great as our foreign, which we could fall back upon, and verify the fact, that we can live and flourish without any foreign commerce. These make our position more favorable for a war than that of Great Britain; besides, so far as the great staple of her manufactures, cotton, is concerned, she is almost wholly dependent on

us. She cannot procure from India and Egypt enough to keep her spindles employed three months; and unless she draws her supply from us through neutral ports, she must be broken up. Taking this single consideration into the account, the prospect of inevitable ruin to her, keeping her condition in other respects in view, is alarming indeed. This great staple contributes so much to the support of her population, and is so important an element of her commercial and internal prosperity, that it will always operate, whilst we control its production, as bond and security from her that she will keep the peace. It is most manifestly, sir, her interest not to go to war, and she will make great sacrifices to avoid it—every sacrifice short of national honor, which, so far as she is concerned, is not involved in this question. Seeing, as she does, this territory filling up by our own citizens; that it is contiguous territory, and the only outlet westward for the great valley of the Mississippi to the markets of Asia, and entirely detached from all her colonies in either hemisphere, and that it can be to her but a barren possession, the sacrifice in yielding peaceably her pretensions to any part of it, accompanied by those friendly arrangements to which I have alluded, will bear no comparison to that we should encounter by an abandonment on our part.

And, sir, it will not be England alone which will be engaged in this war, should one befall us. The people of Europe have the spirit of revolution and reform raging within them, only suppressed by the strong arm of power. It is the policy of thrones and dynasties to prevent a war with us. If a war does come it will be a war of systems—not for Oregon; and in such a war, so sure as the red man fades away before the advance of civilization, so sure will those thrones and dynasties fall before the advance of republican principles. No, sir; Europe will not suffer England to war for Oregon with us. The great free-trade interest alone, now promising to be in the ascendant in England, will have power sufficient to prevent a war, and will prevent it at every sacrifice.

I have not been able to see, sir, how a nation so politic as England is, can hazard a war, in her present condition, provided the matter is managed by us, as it should be, (we doing nothing calculated to irritate, and manifesting a just and liberal spirit towards her,) with becoming firmness. If war does grow out of this question, Mr. President, it must be commenced by England—we will not take the initiative in that. But, it is said, sir, we must so manage the matter by negotiation, compromise, and acquiescence, in the demands of Great Britain, as not to force her to this alternative; for it is said, sir, if war does ensue, we will lose our foreign trade, be visited by all its accumulated horrors and calamities, and that we would be broken down in our finances, as the Senator of South Carolina [Mr. CALHOUN] said a few days since. If these are proper considerations, sir, and to be used as arguments on such a topic, the duty of maintaining national rights would be at an end. Such arguments persuade us to surrender them up quietly to any arrogant demand or baseless pretension, if made by a formidable Power, lest, by resisting,

we should be subjected to loss and injury. Such reasoning, sir, puts a stop, at once, to the assertion and maintenance of any right, no matter how important. Much as I detest war, sir, and would earnestly seek to avoid its consequences could it be done honorably; much as I should deprecate an increase of the paper system which might ensue,—I would greatly prefer them all, to a surrender, under existing circumstances, of any portion of the Oregon territory. There is nothing that can grow out of a war that my State would not be willing to endure, in preference to the surrender of any part of it—nothing, whatever, sir. For, so far as we are concerned, the point of honor is involved. We have been told, sir, time and again, if we do assert our title, and take measures to maintain it, war will follow; and again and again are we reminded of the magnitude of England's power, and of our own unprepared and defenceless condition. Sir, I have said I did not believe a war could do us much injury—certainly not so much as it would England. She has no internal commerce to fall back upon to sustain her—no internal resources—all is scattered over the face of the earth. With us, it is wholly different. We possess all the varieties of soil and climate, well adapted to the most profuse production of all necessary articles of consumption; a population possessing every kind and degree of skill, enterprise, and pursuit; with an internal commerce spreading over more than three thousand miles of territory—amounting annually to many hundred millions of dollars, with the most perfect facilities by railroads and canals to accommodate it, which would not only sustain, but enrich the whole country, and verify the fact, as I have before said, that we could live and prosper, independent of all foreign nations. We would discover that our prosperity does not depend on the accidents of foreign commerce, or on the unruly politics of Europe. This commerce between the States, sir, is, without its restrictions, like that between so many foreign and distinct nations. Compare our situation in this regard, with those European States having but little foreign commerce, and none internal, estimated by ours; they seem to prosper, sir, under burdens and exactions far heavier and greater, even in a time of peace, than ours could be in war. Situated as we are now, sir, if we have not the ability to sustain a war, it seems to me that no nation on the face of the earth ever had or ever will have that ability.

As to "breaking down our finances," sir, and the evils of the paper-system, which it is thought will necessarily follow a war, this will be but temporary, and can be greatly modified by wise legislation. There is nothing, sir, in this view of the subject calculated to inspire alarm, or make us hesitate in defending all our rights. We have now, sir, in the country about \$100,000,000 of specie, which, in the event of war, would remain in the country, as there would be no use for it to pay balances abroad, there being no foreign trade. This would be a basis for safe issues, according to the modern science of banking, of three hundred millions of dollars. Treasury notes bearing no interest, and receivable by the Government for all dues, would be at par for all Government payments, and being in demand to pay taxes, would not fluctuate

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very much in value in the market. Such a system might be made to work quite safely, sir, during a war, but should terminate with it, or before our revived commerce created a balance of trade against us. As to the taxes, sir, do the people not pay now, indirectly, through the operation of our tariff laws, more than they would have to pay directly by taxation? If they have no taxes to pay in the shape of duties, as they would not in case of war, they would be better enabled to pay those which should be levied by taxation to support a war waged in defence of national rights and national honor. A war with all the calamities attendant upon it, such as they may be, would not be barren of benefit. It would unite our people more closely than they are now united, would increase their energies, and, by calling into exercise the sterner virtues, lead, in the end, to a vast increase of our power. We are becoming, sir, too effeminate, luxurious, and extravagant; all these tendencies would be checked by a war:

"Sweet are the uses of adversity!

Which, like the toad, ugly and venomous,
Wears yet a precious jewel in its head."

And as for a speedy recovery from the ill effects of a war, sir, no nation on the globe possesses half the recuperative energy that ours possesses. This our history proves. Who believes, sir, that the late war was of any injury to us? Though many fell—though much blood was spilt—our foreign commerce broken up, and all industrial pursuits crippled and damaged, and not one object attained for which the war was declared and waged at so much expense of blood and treasure, who can doubt that it was of immense service to us, weighing all these against that one item which it gained for us—the respect of all other Powers, and the high exaltation of our national character? And we recovered from its effects in a few years, and with renewed life and vigor have since pursued our glorious and successful career.

The Senator from Delaware, sir, [Mr. J. M. CLAYTON,] took occasion, in his remarks upon these resolutions, to contrast our naval force with that of Great Britain, and read to the Senate a prepared statement of her military and commercial marine. But the Senator did not seem to recollect that the number of vessels of war possessed by a nation is no criterion by which to estimate its power. England has many ships of war, sir—she has the wooden walls, but has she the sinew and muscle with which to man them? Can she get the men? I recollect reading last summer, sir, in a British magazine, an article upon the defences of Great Britain, and, among other things, the condition of her navy, both as to the *matériel* and the *personnel*, in which it was stated that Captain Lushington, one of the most popular officers in her navy, had great difficulty, and had been unable up to that time, to ship a crew for the steamer "Retribution." Now, sir, with this fact in view, I would ask that Senator, how it is in the power of Great Britain to man one half of the vessels on that formidable list he presented to the Senate, even by resorting—as she certainly would resort—to the press-gang? She cannot man them, sir. The Senator showed, sir, by his statement, that in proportion to our commerce, as compared with that of England and some

of the minor Powers of Europe, we had fewer guns for its protection than any of them; but the Senator did not seem to consider the capacity of this nation to arm itself on an emergency, and he left the inference very fair that he believed ours was the weakest naval power on the globe. I think, sir, a little consideration of, and examination into, elements of naval power will serve to satisfy every Senator that we have the capacity to put afloat, in a very short time, a more powerful navy than Great Britain ever possessed. It cannot be denied, sir, that we are capable of constructing vessels with more rapidity, and with better equipment and sailing qualities, than any other nation; and if war comes, instead of finding us unprepared in this arm of annoyance and defence, we should be found, in a few months, the best prepared nation in the world. It is true, sir, of national vessels, we have but seventy-six, all told, but we have a commercial marine unsurpassed by any. All our packet ships, sailing from the ports of New York and Philadelphia, are larger, better fitted, stauncher, better sailers, and capable of carrying more guns and sustaining their recoil, and resisting an enemy's broadside, than our second-class frigates were in the last war, or could soon be made so by additional bulwarks, the work of a few weeks. These, with our whale ships armed and fitted, to say nothing of our steamboats with armaments on board, will enable us to put afloat a more efficient navy than Great Britain ever possessed; and for shipping crews, patriotism would supply the place of the press-gang.

If you will look, sir, at the list of the British navy, you will find that many ships named in it are not seaworthy, and cannot be made so; many of them are old ships, ships engaged in the battles of Trafalgar and the Nile; they are now old hulks, unfit for service.

Mr. J. M. CLAYTON desired to correct the honorable Senator in one or two particulars. He did not say that we were the weakest nation, nor had he endeavored to place the strength of Great Britain in a striking light before the Senate. He had merely stated the relative naval power of this country and England, in reply to the remarks of the Senator from Ohio, [Mr. ALLEN.] He had said nothing to disparage our own naval force, but he had thought it proper to correct some statements of the gentleman from Ohio in regard to the naval power of England. And he had done so from facts then in his possession. Since he had made that statement, he had seen a still later authority, disclosing more particular information as to the naval power of Great Britain than he had been in possession of at the time he had the honor to address the Senate. He stated at that time that England had 671 ships, carrying an armament of 16,272 guns. By the latest official documents received by the last steamer, I perceive, so much has she increased her naval power within the last quarter, that she has now 17,772 guns in her navy. This is a great increase, and this has been effected in the last quarter of the last year. The number of her war-steamers, according to the account we were in possession of when he last addressed the Senate, was 93. He perceived by the documents lately received that there were now 121. He had also stated that her military marine amounted to

40,000, and he did say, too, in reference to the commercial marine, to which the Senator from Illinois had now alluded, that ours was about equal, or perhaps a little inferior to that of England. But the recent information showed that that estimate was somewhat erroneous, or at least that their commercial marine had increased since the former statement.

The tonnage, foreign and coastwise, of the United Kingdom of Great Britain, at the close of the year 1838, was 2,420,759 tons. The same statement is made by McCulloch, title "British Empire," and by Baron Charles Dupin, in his "*Parallele des Trois Principales Marines de l'Univers.*"

A rare work, very recently published, and received within a few days past at the Treasury, (McGregor's Commercial Tariffs, &c.,) referred to and relied upon in the Secretary's report this day, brings down the information on the subject as late as the 31st December, 1844, at which time it appears that the whole tonnage, foreign and coastwise, of the United Kingdom, was 2,994,166 tons; which, added to that of Guernsey, Jersey, and Man, (50,226 tons,) makes the whole tonnage of all, by the latest returns received within the last week at the Treasury, 3,044,392 tons.

The Secretary's report states the tonnage of the United States, on the 30th June, 1845, at 2,416,999 tons. This was the amount stated by Mr. C. in his speech of the 12th ultimo, on the Oregon question. He then estimated the tonnage of the United Kingdom, &c., at 2,420,759 tons, which was according to the latest returns to be relied on at the time.

By the latest "List of the British Navy," it appears that there has been a very extraordinary increase of the naval power of England within the last quarter of the year 1845. He (Mr. C.) stated, in the debate on the 12th ultimo, from the best information to be then had, the whole number of guns in the British navy at 16,242. That statement was founded on the then latest returns of the British navy. The official list received by the last steamer now shows the number of guns to be 17,772, exclusive of the armament of the sailing packets. It is certain that the British navy has greatly increased of late. Mr. C. stated, on the same occasion, the number of English war steamers, by the only official list then to be consulted on this side of the water, at 98. The late intelligence shows that this number has been increased within the last quarter to 121. Mr. C. observed, in his speech of the 12th ultimo, in reply to Mr. ALLEN, that he had carefully avoided overrating the British power. His estimates were correctly predicated on the very best information to be had at the time he spoke, and he had rather underrated the British and slightly overrated our own naval power. He stated the number of guns in our navy at 2,352; the number is, I now learn, precisely 2,329. The important result of this interesting inquiry into the relative naval and commercial power of the two countries is almost precisely the same as stated by Mr. C. Great Britain appears, by the Secretary's report, to have about 600 guns for every 100,000 tons of commerce; we have only 96; while France has 1,046; Holland 683; Sweden and Norway 394; Turkey 1,223; Denmark 703; Portu-

gal 798; Austria 321; and Russia far more than any other nation, in proportion to the amount of her commerce to be protected. We are behind all other civilized nations in this respect. We have less protection for the same amount of commercial wealth than any other people, and we must double our navy before we can stand on a respectable peace establishment, if we are to measure our own by the standard which regulates the other navies of the world.

Mr. BRESEE. The Senator's statement confirms what I said, sir; for it does represent his own country as the weakest naval Power on earth; it shows that even the minor Powers of Europe have more guns in proportion to their commerce than we have. And it confirms another statement I made, sir: that Great Britain cannot man her guns. She has, sir, it seems by the Senator's showing, 17,722 guns in her navy; and as ten men are required to each gun, she should have 177,220 men; whereas the fact is she has but 40,000.

But, sir, this inequality is not the point. The question is as to the capacity of this nation to arm for a contest; and, in this particular, that of Great Britain, vast as it may be, is still inferior to ours. She does not possess the elements of preparation and combination we do, and in these respects we are the strongest naval power on the globe. Look at one fact, sir, in proof of what individual enterprise can do, in building steam-vessels. In 1834, when the whole steamboat tonnage of the British empire did not exceed 82,000 tons, that in the Mississippi valley alone amounted, two years ago, to 125,000 tons, or one-third more than that of the whole British empire. Compare the capacity of Great Britain with that of the United States to prepare a military marine. Sir, there is no comparison. We have forests, which she does not possess—we have all the *matériel*, the *personnel*, and the skill. Our skill in naval construction is unequalled. She has never possessed such ships as our line packets; she has never yet approached us in the construction of steam-vessels, in beauty, swiftness, and capability. We have constructed them to run twenty-seven miles in the hour—a speed never yet attained by any British steamers, and never will be, unless our models are adopted. In every particular—I have not the ability now to go into the details—in every particular, we have immense advantages over her, in the possession of the elements of defence and assault, which can soon be worked up into effective means. Our capacity, sir, to put the country in a state of naval defence is decidedly greater than hers.

But, sir, as signs of approaching war, the great military and naval preparations in which Great Britain is engaged, and of which we have heard so much, are referred to: and to what do they all amount? I have said, sir, I did not believe Great Britain would go to war for Oregon, and I consider these preparations no indication of such a purpose. She makes periodically a survey of her marine, examines and repairs her dock-yards, cuts down large vessels into razees; and it is a part of her system. She has been, and is now, busily engaged in fortifying the more exposed points of her coast, but the reason of that was well known. All this activity, to which the attention of Senators and the

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country has been directed, commenced before the Oregon question had assumed its present important and interesting aspect; at least before it had become such a prominent question between the two Governments as it now is. Before the President's Inaugural was delivered, sir, the British Premier, on the 14th of February, 1845, in presenting the annual estimate of expenses, declared he should ask a vote to increase the navy; and the reason he assigned was, that Great Britain had then three additional naval stations to maintain: one on the coast of Africa, one in China, and one in the Pacific; and that they would require an increase in the naval force of four thousand men, and for the navy and ordnance an additional sum of £1,000,000. He also proposed an increase of the steam navy, and, as he declared, not for any purposes of a war of aggression, but in consequence of the extension of their commerce in all parts. He said, "We do not propose this increase from any apprehension of war, [hear, hear,] or with any view whatever to aggression." [Loud cries of hear.]

All this was before Oregon had become a prominent topic, and may be traced to the pamphlet "On the State of the Naval Force of France," put forth in May preceding, by the Admiral Prince de Joinville, and the publication of Thiers, going to show that a descent by Napoleon upon the English coast was seriously contemplated from Boulogne, and would have been carried into effect but for accidental causes. This pamphlet pointed out the weakness of the defences of the British coast opposite France, and insisted, in case of a war, an army from France might easily make a sudden descent upon England, and this through the agency of steam. Steam, sir, has placed those great Powers on more equal ground. Brest, capable of containing fifty war steamers of the first class, is only one hundred miles—a few hours run—from the coast of Cornwall. Dieppe, Boulogne, Calais, and Dunkirk, though smaller ports, are from sixty to twenty-four miles only from the shores of Sussex, Kent, and Essex. With that immense control of men which France possesses, and with war steamers, what is to prevent her from repaying the visit England made to her capital thirty years ago, or of ravaging her coasts, unless adequate fortifications, either fixed or floating, and a sufficient military force, be raised to prevent a landing? The Duke of Wellington himself, in his evidence before the Committee on Shipwrecks, raised by the House of Commons, says: "In the event of a war, I should consider that the want of protection and of refuge, which now exist, would leave the coasts of England opposite to those of France in a very precarious situation." These forts now erecting might protect the points where they shall be built; but they do not insure the safety of England, because the power, certainty, and celerity of steam, enables France to choose her own point of debarkation and attack. Wind and tide are not to be waited on. Steam has revolutionized the science of naval warfare, rendering comparatively ineffective the immense sail-navy of England for defence; at the same time increasing the effectiveness of a small steam-navy at least fourfold—it unfits, sir, the tactics and strategy of past times for the present, and makes France,

by her proximity, a most dangerous neighbor. When it is considered, sir, that she has, in addition to her force of 80,000 men in Algiers, a standing army, well disciplined and equipped, of 350,000, with magazines and arsenals filled to repletion, and all munitions of war on hand, besides nearly a million of militia, and a well-drilled national guard in all her provincial cities and towns, it is very easy to believe, in the present state of improvement in the means of warfare and approach, Great Britain would be alarmed: hence her past and present activity. Her insular position, sir, is no longer her sure protection. Her popular national air—

"Britannia needs no bulwarks,
No towers along the steep;
Her march is o'er the mountain wave,
Her home is on the deep,"

is now no longer true, sir. She does need those "bulwarks," and at a vast expense she is building "towers along the steep;" and they all had reference—not to us, sir, but to her dangerous neighbor and hereditary foe. She has to oppose to this tremendous power of France, a standing army of 130,000 men, 80,000 of whom are scattered abroad over the world, 22,000 are in Ireland to keep down the commotions of a people waiting their "opportunity," when England's "necessity" shall have arrived; and the remainder, most of them raw recruits, are scattered over England and Scotland. Well might she be alarmed, sir, at the prospect before her.

The Senator from Delaware, sir, [Mr. J. M. CLAYTON,] when exhibiting to the Senate the immense naval power of Great Britain, forgot to say, or at least he did not say, that much of it had to be spread, for the protection of her colonies, over the globe; and without leaving these colonies and posts exposed to the attack of a hostile force—and they are the most inviting points of attack—she could not concentrate a fleet upon our coast that need give us the slightest alarm. With the aid of our vast and unexcelled commercial marine, such national ships and steamers as we could soon supply, instead of being blockaded, as we have been told, we could blockade our enemy: I have no sort of doubt about it. So far as naval superiority is concerned, and to be tested, let the energies of this nation and this people be roused, and all doubts on that subject would soon be put to flight. It is not our policy to keep up, in time of peace, and no war-cloud impending, a cumbrous and expensive naval force—it will not, I trust, ever be our policy. I am, sir, among the warmest and best friends to the navy; and because I am so, I shall oppose its increase, in time of peace, to any great extent, lest that should break it down. It is sufficient for us, sir, that we have the capacity, whenever an emergency shall arise, to make it more formidable than that of any other power on the face of the globe, let that arrive to-day, or at any time. I am confident, sir, should the emergency occur to-morrow, the energy, the alacrity, the means and capacity of the country to meet it, would be so displayed as to astonish ourselves. Should a war come, sir, in the prosecution of our right, I believe all parties would cordially unite in carrying it on with vigor. There

would not be, as in the last war, "a peace party," aiding the enemy, preventing capitalists from loaning money to the Government to carry it on, and rejoicing over our defeats. There would be no domestic traitors. We should all be Americans in deed; and heart and hand, in cordial union, rally as one man around our country's standard. A war, sir, will not proceed from us. It must come

from the other quarter; and if it does come, it will be a war of aggression, unsustained by the sense of justice, or the sympathies of other nations. We never will, we cannot become an aggressive Power; but when an assault is made upon us, sir, the whole land will rise as the mighty man armed, and with a vigorous and united effort, overwhelm the aggressor. Sir, I have done.

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